

## PLANNING BOARD MINUTES

JUNE 08, 2015

### **Call The Meeting to Order**

Chairman Stephen Johnson called the meeting to order at 7:05 P.M. in the Town Hall Auditorium. Present at the meeting were, Robert Fowler, Nancy Reed, Vincent Fratalia, Keith Anderson, and Director of Community Development Steve Sadwick.

### **(A) Committee Reports/Administrative Actions**

#### **(A1) Master Plan**

Mr. Sadwick stated that at the last meeting the comments that were submitted to the consultant were going to be incorporated and a draft sent out. He needs to follow up with them and find out what the status is. Hopefully they will have something by the next meeting.

#### **(A2) Committee Reports**

Mrs. Reed asked what the status of the Wamesit Indian project. Mr. Sadwick stated that there were no responses to our bid, so we are re-advertising in the Central Register this week.

#### **(A3) 250 Whipple Road, Wells Estates – Bond Release**

Mr. Anderson stated that he did not sit on the original hearing and will recuse himself for the release of the bond.

Dick Cuoco, Maureen DiPalma and Dennis Sheehan appeared for the bond release on Wells Estate. Mr. Cuoco stated that the detention areas were completed a few weeks ago and the water shut offs were done.

Mr. Fowler stated that he read the letter and went to the site. The consulting engineer accepted the design at the time and in-house engineering. This project was constructed as close as possible to the original approved plans. Some new things have come up but need to remember that the plans were approved and we must stay as close as possible. Mr. Fowler asked if the two basins to the left are considered retention or detention. Mr. Cuoco stated that they are labeled as detention but they were actually designed as retention. Mr. Cuoco stated that it has been worked properly since last fall. The road was changed from having retaining walls to an easier slope so some of the design was not needed. A few inches deeper in the basin may make it better and a few inches of sandy loam might make it esthetically pleasing.

Mrs. Reed stated that the letter from the DPW does not give a resolution or suggestion for a course of action. Mrs. Reed asked if there was any discussion on just reducing the bond for this one issue. Mr. Sadwick stated that this goes back to the street acceptance in the fall. The applicant has done as much work as possible given the grades and we are at a point where really nothing more could be done. Mr. Fowler stated that he did not have the benefit of speaking with engineering before his site visit. If the basin on the right has silt that can be removed and sand added, then he is fine with the release of the bond.

Mr. Fratalia stated that he drove to the property and they did a great job and the bond should be released.

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Mr. Johnson stated that the concerns from the Town Engineer could be filed and the applicant may have to address this issue in the future.

**MOTION** - Mr. Fowler made a motion to release the bond of \$69,960 for Wells Estates. The motion was seconded by Mr. Fratalia and unanimously voted 4-0. Mr. Anderson abstained from voting.

### **(A4) 813/815 South Street - ANR**

James Russell from 813 South Street appeared for an ANR. Mr. Russell stated that this plan is to correct the property line between his house and neighbors. Mr. Fratalia asked if Russell Way is an accepted street. Mr. Russell replied no, it is not an official street and there is no street sign.

Mr. Fowler asked if there should be a street sign. Mr. Sadwick replied no, both houses have South Street addresses.

**MOTION** - Mr. Anderson made a motion to endorse the ANR for 813/815 South Street. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

### **(B) 71 Regina S Drive, Laureen Donahue Family Suite Special Permit**

Laureen Donahue appeared for the Special Permit for a family suite at 71 Regina S Drive. Ms. Donahue stated that she is proposing building a 2-car garage with a breezeway and a family suite for her parents. The existing one car garage will be closed in and the existing driveway will be eliminated. The family suite will have two bedrooms. This hopefully will eliminate the water problem that we have had.

Mr. Fowler stated that the family suite will be 32' x 26' for a total square footage of 832 SF. Mr. Fowler asked what is between the house and new addition. Ms. Donahue replied that it would be a common area breezeway. Mr. Fowler stated that we should have a plan showing the layout. Mr. Sadwick replied that some provide that and some don't. We will ask for it in the future.

Mr. Anderson asked how will this help with the water problem. Ms. Donahue stated that they will be changing the elevation and sloping the water away from the house into the back yard.

Mr. Fratalia asked if the house would be connected to town sewer. Ms. Donahue replied yes, the septic system has failed so they will be hooking up to sewer sooner than expected.

Mr. Johnson stated that the Board encourages this type of project.

**MOTION** - Mr. Fowler made a motion to approve the Family Suite Special Permit for 71 Regina S Drive as submitted, which includes a two-bedroom unit. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

### **(C) Victor Drive, Marc Ginsburg & Sons Site Plan Special Permit/Special Permit**

Mr. Johnson stated that Mr. Fowler has reviewed the material from the last hearing and has made himself with the material to participate in this hearing.

Rebecca Brown from TEC joined the meeting as the town's traffic consultant.

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Jim Hanley, Marc Ginsburg, Ron Muller, Joel Cann and Dick Cuoco appeared for the continued Site Plan Special Permit/Special Permit for Victor Dr. Mr. Muller stated that TEC has reviewed our traffic study. They have done AM and PM peak hours as well as a Saturday analysis. There has been an average of three accidents a year at the intersection of Main Street/Victor Drive. This study included the future development of the two approved projects down the street. There have been recommendations made and they have been incorporated into the updated plan, which includes line of sight corrections at the driveway, wheelchair ramps at the driveways, crosswalks, stop signs and stop lines at the driveways. We also need to file an indirect access permit with Mass DOT and they have to file an ENF with MEPA.

Ms. Brown stated that TEC has reviewed the traffic study and they have also commented on the Site Plan relating to traffic flow within the site and the amount of parking spaces. They also looked at the peak hours versus the school dismissal time. They do not require any additional information until the commercial aspect of the project is developed. If there is a high use such as a restaurant then they recommend that they come back to this Board. Ms. Brown stated that there is a slight degradation to the intersection in the AM peak hours from a B to a C. There would be an additional 9-second delay. The Board may want to have separate right and left hand turn lanes when the commercial project is developed. They have also suggested separate bike racks to be installed at each building. Ms. Brown stated that the zoning requires 432 parking spaces and the applicant has provided 380. The ITE requires 1.6 per unit. Ms. Brown stated that there is no interior vehicle connection to the bike shop and 2,000 SF shop. There is pedestrian access but they might want to look at a vehicle connection. Ms. Brown stated that the pathway for the bike trail should be widen from 8' to 10'. Ms. Brown stated that the applicant should also make sure that the emergency vehicles could circulate around the roundabouts and make sure that the trash trucks can access the trash receptacle areas and provide turning templates.

Mr. Fowler asked if the dog park and pool would be private. Mr. Ginsburg replied yes, the amenities are only for the residents.

Mr. Anderson stated that he is confused with the morning traffic counts. Ms. Brown stated that when an intersection operates at a level B, there is a 19 second delay. A level C is a 30 second delay. Mr. Cuoco stated that they would be meeting with the School Department on Wednesday evening to discuss this project. Mr. Anderson asked why there is no access to the Heatherwood property. Mr. Ginsburg replied that there are wetlands in that area and a crossing is not possible. Mr. Anderson stated that there is only one-way in and out and is that ok for emergency vehicles. Mr. Cuoco replied yes.

Mr. Fratalia stated that he is glad that the traffic engineers have worked together to come to an agreement. He visited the site and drove down Patrick Road and he would not see how that would be a favorable option.

Mr. Johnson stated that he also is glad that the engineers can work through the issues. Mr. Johnson stated that he would open up to the public for any traffic related issues.

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Mary Ellen Walkowicz of 145 Patrick Road – Ms. Walkowicz asked how many parking spaces would be available. Ms. Brown stated that there are 380 proposed spaces. Ms. Walkowicz asked then why does the study only use 105 vehicles. Ms. Brown stated that the assumption is that all of the vehicles will not be leaving the site at the same time. This is based on similar developments across the country. Ms. Walkowicz stated that when you are turning left onto Victor Drive, the turning lane is very small.

Alice Caran of 9 Patrick Road – Ms. Caran stated that cutting through Patrick Road is not the normal but when there is traffic people will cut through. Ms. Caran stated that when there is snow that is not clear for 15' near Wilmington Transmission the light does not trip. Mr. Fowler asked if there is a private way sign on Patrick Road. Ms. Caran replied no.

Mr. Hanley stated that they are chipping away at the engineering comments. Mr. Hanley stated that the Fire Department has reviewed the updated plans and turning radius and they comply. They have increased the internal circles by 5' and this would allow the trash trucks to pull out and exit the site easier. The dog park and pool would be for the residence of the development only. Mr. Hanley stated that they are trying to keep the office area and 2,000 SF store separate. The trails would be for public use. The 10' sidewalk with a grass strip will be a challenge due to the confined space. Mr. Hanley stated that when the school has events or games the overflow parking parks on Victor Drive so they are looking at overflow parking.

Mr. Cuoco stated that they are proposing the following mitigation:

- A donation of \$725,000 for the Affordable Housing Trust Fund ( $\$25,000 \times 29$  affordable units / 4 buildings = \$181,250 at time of occupancy of each building)
- Transfer fee ownership to the Town for \$1 approximately 16 acres of land situation easterly of the developed portion of the project. An ANR will be required.
- Construct approximately 1,600' to 1,700' of 8 foot wide paved bike path from Victor Drive to Livingston St.
- Subject to the approval of the Tewksbury School Department, the applicant will construct a new gravel parking area for approximately 35 to 50 passenger vehicles during special events.
- Construct an 8' wide sidewalk along the entire frontage of the property.

These mitigations would total about \$1,300,000 to \$1,400,000.

Mr. Hanley stated that they are requesting five waivers. The first waiver is for height of the building. They are requesting the buildings be 70' in height and 5 stories. The second waiver is the amount of parking spaces. The underlying zoning, MFD, require 506 parking spaces. They are proposing 363 for the units and 394 all together. The DPW has asked for a plan showing a bank of property if needed. The third waiver is the landscape plan. The fourth waiver is the site lighting and the fifth waiver is from the Land Disturbance Permit since this project will have an extensive review from the Planning Board, Conservation Commission, DEP and DPW.

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Mr. Cann stated that his job is to look at the housing market and what people who are looking to rent are looking for. He is there to provide financial recommendations, oversee construction and ongoing operations. This project will have 40% one-bedrooms and 60% two-bedrooms. The typical renters will young couples that choose to rent. The units will have separate utilities including sub-metering of water. People are looking for amenities like a pool, clubhouse, dog parks, etc. Security is also very important as well as energy saving appliances.

Mrs. Reed stated that having one-bedroom units would lower the number of required parking spaces. The landscaping plan can be handled as an administration action.

Mr. Fowler stated that from the beginning of the project to today he is happy with the communications. This will not be a drain on the Town services or schools and this will help fulfill a need in Tewksbury.

Mr. Anderson agreed and will wait until more information is received.

Mr. Fratalia stated that a lot of information was received tonight and asked what the rents would be. Mr. Cann stated that they haven't figured that out yet but it would be somewhere between \$1,600 to \$2,100 and its always changing.

Mr. Johnson stated that it was a detailed presentation tonight and there have not been a lot of stones unturned.

Mary Ellen Walkowicz of 145 Patrick Road – Ms. Walkowicz asked what the duration of the construction would be and it was said the height of the buildings do not meet the bylaw. Mr. Johnson stated that the applicant has requested a waiver for the height of the building. Mr. Hanley stated that site work will begin this year and they hope to start building in Spring 2016. The first building will take about 8 to 10 months and then the other buildings will follow in 2-month increments. Ms. Walkowicz asked if this project will impact their condo costs. Mr. Hanley replied no, they are separate.

John McHatton of 560 Kendall Road – Mr. McHatton asked if the Site Plans and drawings are available for review. Mr. Johnson stated that all material could be reviewed at the DPW.

**MOTION** - Mr. Fowler made a motion to continue the Special Permit and Site Plan Special Permit at Victor Drive until June 22, 2015 at 7:30 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

### **Old Business**

Mr. Fratalia asked if the Board is in agreement to move the Planning Board meeting of August 10<sup>th</sup> to August 3<sup>rd</sup>. The Board agreed.

Mr. Sadwick stated that Heatherwood is going to be installing the granite curbing within the month. Mr. Fratalia asked if we know what the occupancy rate is. Mr. Sadwick replied that during their open house they said it was at 60%.

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**New Business**

There is no new business.

**Director's Report**

Mr. Sadwick presented some correspondence. Mr. Sadwick added that there has been a change to the federal law regarding cell towers and they may have to update our zoning bylaw.

**Adjournment**

**MOTION** - Mr. Fowler made a motion to adjourn the meeting at 9:00 PM. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

***Approved: 7/13/15***

*List of documents for 6/8/15 Agenda*

*Documents can be located at the Community Development Office*

- A. 7:00** Committee Reports/Administrative Actions
- 1- Master Plan
  - 2- Committee Reports
  - 3- 250 Whipple Road, Wells Estates – Bond Release
    - Letter 5/12/15 from Maureen DiPalma.
  - 4- 813/ 815 South Street-- ANR
    - Application was received 6/5/15
- B. 7:00** 71 Regina S. Drive, Laureen Donahue
- Family Suite Special Permit
- Application packet dated 5/6/15.
  - Memo 5/22/15 fr Director of Public Health.
- C. 7:10** Victor Drive, Marc Ginsburg & Sons
- Continued Site Plan Special Permit/Special Permit
- TEC response letter dated 6/5/15
  - Woodland Design letter dated 6/4/15
  - Anticipate applicant responses prior to evening of 6/8/15
  - Layout & Materials Plan C-4, C-2 dated 3/26/15 revised 6/5/15 prepared by Civil Design and Commercial Concept Plan.
  - Letter dated 6/5/15 to Steve Sadwick from Civil Design re: Waivers.